

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

RONALD DEAN CANTRELL,)	Civil Action No. 7:19cv00470
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	
HAYSI REGIONAL JAIL, <u>et al.</u>,)	By: Robert S. Ballou
Defendants.)	United States District Judge

Ronald Dean Cantrell, a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983. Having reviewed the complaint pursuant to 28 U.S.C. § 1915A(a), it is now **ORDERED** as follows:

- (1) The complaint shall remain conditionally filed pending satisfaction of the requirements set forth herein.
- (2) Plaintiff is advised that his complaint fails to state a claim under § 1983 against the named defendants. To state a cause of action under § 1983, a plaintiff must allege facts indicating that plaintiff has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). Plaintiff fails to adequately explain how the named defendants have violated his federal rights. Further, a jail is not a “person” subject to suit under § 1983. See McCoy v. Chesapeake Corr. Ctr., 788 F. Supp. 890, 894 (E.D. Va. 1992). The court notes, however, that a legal entity that operates a jail may be a proper defendant. See Hixson v. Hutcheson, No. 5:17cv00032; 5:18cv00001, 2018 U.S. Dist. LEXIS 130360, at *18, 2018 WL 3715763, at *7 (W.D. Va. Aug. 3, 2018). Inasmuch as plaintiff is acting pro se, the court will give him thirty days to file an amended complaint. **In order to proceed with this action,**

plaintiff must file an amended complaint which must be a new pleading that stands by itself without reference to a complaint, attachments, or amendments already filed. Plaintiff's filings to date will not be considered by the court and should not be referenced by plaintiff in the proposed amended complaint. The amended complaint must specifically describe how the defendant violated his rights. *Failure to file an amended complaint within thirty (30) days from the date of this order, to correct the noted deficiency, will result in dismissal of the complaint.*

- (3) The Clerk shall send a copy of this order to plaintiff.

ENTER: This 10th day of October, 2019.

s./Robert S. Ballou
United States Magistrate Judge

****AMENDED COMPLAINT****

For Clerk's Office Use

Judge K	Rec'd
------------	-------

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF VIRGINIA

For use by inmates filing a complaint under **CIVIL RIGHTS ACT, 42 U.S.C. §1983**

Ronald Dean Cantrell

Plaintiff full name

10200905

Inmate No.

v.

CIVIL ACTION NO. 7:19cv00470

Defendant(s) full name(s)

A. Current facility and address: _____

B. Where did this action take place? _____

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

_____ Yes _____ No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

_____ Yes _____ No

1. If your answer is Yes, indicate the result:

2. If your answer is No, indicate why:

E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

G. If this case goes to trial do you request a trial by jury? Yes _____ No _____

H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: _____ SIGNATURE: _____

VERIFICATION:

I, _____, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: _____ SIGNATURE: _____